REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed August 18, 2004. Claims 21-40 stand rejected. In this Amendment, Claims 32 and 40 have been amended. No new matter has been added.

Specification objection

The specification is objected to because the specification does not include continuing application information. The specification has been amended to specify that the present application is a divisional application (as indicated in the Utility Patent Application Transmittal form) and to identify the parent applications.

Double patenting rejection

Claims 21, 26, 31, 32, 36 and 40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,324,690, and claim 24 of U.S. Patent No. 5,860,012. The terminal disclaimers in compliance with 37 CFR § 1.321 are filed herewith to overcome the provisional nonstatutory double patenting rejection.

Claim rejections under 35 U.S.C. §103(a)

Claims 21-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Holmes, et al., (U.S. Patent No. 5,247,683, hereinafter "Holmes"), in view of Halle, (DOS: Script to edit WIN.INI?" hereinafter "Halle"). As discussed below, the pending claims are patentable over the above reference.

Holmes discloses a method for installing software and updating configuration files. New pieces of software being installed require changes to the configuration of the

workstation on which they are being installed. The configuration file for the new software specifies the changes to the configuration of the workstation on which the new software is being installed. This configuration file is combined with configuration files associated with the software already installed on the workstation to produce the composite file. This composite file is then used to reconfigure the workstation.

Contrary to the presently claimed invention, Holmes does not teach or suggest at least generating an application installation package for an application software package on a source workstation using a pre-installation system snapshot of software on the source workstation and a post-installation system snapshot of the software on the source workstation. Hence, Holmes lacks at least the features of the present invention that are contained in the following language of claim 21:

> ... generating an application installation package for the application software package on a source workstation using a pre-installation system snapshot of software on the source workstation and a post-installation system snapshot of the software on the source workstation...

The Examiner acknowledges that "Holmes at al fail to teach the pre-snapshot and post-snapshot, and generating the application installation package from the snapshots on source workstation". However, the Examiner cites Halle for such teaching and contends it would be obvious to combine Halle with Holmes to produce the present invention. Applicant respectfully disagrees.

Contrary to the Examiner's contention, the Halle reference does not disclose or suggest generating an application installation package for an application software package on a source workstation using a pre-installation system snapshot of software on the source workstation and a post-installation system snapshot of the software on the source workstation. Halle uses a snapshot of software on a workstation being upgraded (i.e., a target

workstation), and not a snapshot of software on a source workstation on which an application installation package is generated, as does the presently claimed invention. In particular, the section cited by the Examiner from the Halle reference states as follows:

> I had to keep in mind, that not all PC's are equally equipped or even have the same software installed. Thus, the program must be able to get what is different (something like context-sensitive diffs...) from each section in addition to complete new sections and such...
> What I do, is to take a "snapshot" of a PC before I upgrade it (this usually means making a copy of the windows-directory under the users home directory) and compare this snapshot with the resulting files.

The presently claimed invention, in contrast, generates an application installation package on a source workstation using a pre-installation system snapshot of software on the source workstation and a post-installation system snapshot of the software on the source workstation. As a result, the present invention allows for scheduling, installing and deinstalling of the application installation package remotely by someone like a system administrator who may not be the system owner.

Accordingly, the Halle reference lacks the same features of claim 21 that are missing from Holmes. These features are also contained in claims 26, 31, 32, 36 and 40. Hence, the above references, taken alone or in combination, do not teach or suggest the present invention as claimed in claims 21, 26, 31, 32, 36 and 40, and their corresponding dependent claims.

Thus, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a) and submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

DEPOSIT ACCOUNT AUTHORIZATION

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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